



City of Loma Linda Official Report

Floyd Petersen, Mayor
Karen Hansberger, Mayor pro tempore
Robert Christman, Councilmember
Stan Brauer, Councilmember
Robert Ziprick, Councilmember

COUNCIL AGENDA:

TO: City Council

VIA: Dennis R. Halloway, City Manager

FROM: Barbara Nicholson, Personnel Assistant *BN*

SUBJECT: Council Bill #R-2003-46 – Certifying Industrial Disability and Eligibility for Retirement

RECOMMENDATION

Adopt Council Bill #R-2003-46.

BACKGROUND

Resolution 2298, Certifying Industrial Disability and Eligibility for Retirement for Edwin Gene Brooks, adopted on August 26, 2003 was found by CalPERS to be incomplete. The attached contains the information required by CalPERS to complete the retirement process for Mr. Brooks.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOMA LINDA, CERTIFYING INDUSTRIAL DISABILITY AND ELIGIBILITY FOR RETIREMENT PURSUANT TO GOVERNMENT CODE SECTION 21156 AND REPEALING RESOLUTION NO. 2298

WHEREAS, the City of Loma Linda (hereinafter referred to as Agency) is a contracting agency of the Public Employee's Retirement System; and

WHEREAS, the Public Employee's Retirement Law requires that a contracting agency determine whether an employee of such agency in employment in which he/she is classified as a local safety member is disabled for purposes of the Public Employee's Retirement Law and whether such disability is "industrial" within the meaning of such Law; and

WHEREAS, an application for disability retirement of Edwin Gene Brooks, employed by the Agency in the position of Fire Division Chief has been filed with the Public Employees' Retirement System; and

WHEREAS, the City Council of the City of Loma Linda has reviewed the medical and other evidence relevant to such alleged disability;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Loma Linda hereby finds and determines that Edwin Gene Brooks is incapacitated within the meaning of the Public Employees' Retirement Law for performance of his duties in the position of Fire Division Chief; and

BE IT FURTHER RESOLVED that the City Council of the City of Loma Linda finds and determines that such disability is a result of injury or disease arising out of and in the course and scope of employment. Neither said Edwin Gene Brooks nor the agency City of Loma Linda has applied to the Worker's Compensation Appeals Board for a determination pursuant to Section 21166 whether such disability is industrial.

BE IT FURTHER RESOLVED that the member will be separated from his employment in the position of Fire Division Chief after expiration of his leave rights under Section 21164, Government Code, effective September 30, 2003 and that no dispute as to the expiration of such leave rights is pending. His last day on pay status is September 30, 2003. There is not a possibility of third party liability. Advance Disability Pension payments will not be made. The primary disabling condition is cardiovascular/heart.

PASSED, APPROVED AND ADOPTED this 23rd day of September 2003 by the following vote:

Ayes:
Noes:
Abstain:
Absent:

Floyd Petersen, Mayor

ATTEST:

Pamela Byrnes-O'Camb, City Clerk